

REMARKS

Claims 1 through 10 and 12 through 23 are now pending in the application. Claims 3, 5-8 and 14-18 are withdrawn. Claim 11 is herein canceled without prejudice. Claims 1, 4, 9, 10, 12, 13, 19, 20, and 21 are herein amended. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 2, 4 and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Smith (U.S. Pat. No. 3,309,747). This rejection is respectfully traversed.

It is initially noted Claim 1 has been amended to recite in part:

“a radially outwardly extending flange at one end of the shank, the flange homogenously joined to the shank and including:

a substantially planar first surface;

a domed second surface convexly curving outwardly away from the first surface; and

an outer peripheral surface tapering inwardly from the domed second surface to the first surface; and

a cap disposable about the flange in contact with the domed surface and engaged with the outer peripheral surface.”

Smith does not disclose a domed second surface convexly curving outwardly away from the first surface. Smith therefore cannot anticipate amended Claim 1. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claim

1. Because Claims 2, 4, and 9 depend from Claim 1, Smith cannot anticipate Claims 2, 4, or 9 for the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claims 2, 4, and 9.

Claim 4 has been amended to recite the limitation of the outer peripheral surface consistent with Claim 1. The Examiner is respectfully requested to enter amended Claim 4.

In addition to the above discussion, Smith cannot anticipate Claim 9 for the following reasons. Claim 9 has been amended to recite in part the cap is “resiliently deformable to be engageable onto the flange, the cap including: a first surface having a cavity operable to receive the flange; and a second surface opposed to the first surface having opposed cantilever arms extending away from the second surface, the cantilever arms defining a partial-cylindrical passage adapted to receive a tubular shaped object.” Support for this amendment is found in paragraphs [0022], [0030], and [0031] of the specification. Smith does not disclose a second surface opposed to the first surface having opposed cantilever arms extending away from the second surface. Smith further does not disclose that the cantilever arms define a partial-cylindrical passage adapted to receive a tubular shaped object. Smith therefore cannot anticipate amended Claim 9 for these additional reasons. The Examiner is respectfully requested to enter amended Claim 9.

Claim 10 has been amended to depend from Claim 9 and to recite “the cap being formed from a resilient polymeric material”. Support for this amendment is found in paragraph [0027] of the specification. Smith does not recite a material for cap 46 but

presents a cross section of cap 46 in figure 3 using section lines indicating a metal material. The Examiner is respectfully requested to enter amended Claim 10.

In addition to the above discussion, Smith cannot anticipate Claim 12 for the following reasons. Claim 12 has been amended to recite “The cap according to claim 10, wherein each of the cantilever arms comprise a lead-in surface formed at a distal end angled with respect to the second surface.” Support for this amendment is found in paragraph [0030] of the specification. Smith does not disclose cantilever arms that include a lead-in surface formed at a distal end angled with respect to the second surface. Smith therefore cannot anticipate amended Claim 12 for this additional reason. The Examiner is respectfully requested to enter amended Claim 12.

In addition to the above discussion, Smith cannot anticipate Claim 13 for the following reasons. Claim 13 has been amended to depend from Claim 12 and to recite “The cap according to claim 12, wherein the opposed cantilever arms further define a pipe clamp.” Support for this amendment is found in paragraph [0030] of the specification. Smith does not disclose opposed cantilever arms that define a pipe clamp. Smith therefore cannot anticipate amended Claim 13 for this additional reason. The Examiner is respectfully requested to enter amended Claim 13.

Claim 19 stands rejected under 35 U.S.C. §102(b) as being anticipated by Wright (U.S. Pat. No. 4,904,133). This rejection is respectfully traversed.

It is initially noted Claim 19 has been amended to recite in part:

“a radially outwardly extending flange homogenously joined to the first end of the shank, the flange including an outwardly facing surface having a convexly curving domed shape; and a cap disposable about the flange and engaged with the undercut surface and the convexly curving domed shape of the flange.”

Wright does not disclose a cap or that the cap is engaged with the undercut surface, or further that the cap is engaged with the convexly curving domed shape of the flange. Therefore, Wright cannot anticipate amended Claim 19. The Examiner is respectfully requested to withdraw the 35 U.S.C. §102(b) rejection of Claim 19.

REJECTION UNDER 35 U.S.C. § 103

Claims 10, 19, 20 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith (U.S. Pat. No. 3,309,747) as applied to claims 1, 2, 4 and 9 above, and further in view of Hill (U.S. Pat. No. 4,601,624). This rejection is respectfully traversed.

Smith does not teach or suggest a domed second surface convexly curving outwardly away from the first surface or a cap disposable about the flange in contact with the domed surface and engaged with the outer peripheral surface of Claim 1.

In direct contrast to Applicant, Hill appears to teach screw 26 is “secured within an appropriate orifice 29 defined within a work piece 28.” See column 3, lines 33-35. An “anchor member 22 includes a generally planar, flange-like base 40 in the shape of a ring which concentrically surrounds orifice 37.” See column 3, lines 59-61. “Shank 36 will penetrate orifice 37 when the anchor member 22 is secured against workpiece 28

by head 34. Thereafter cap 24 may be snap fitted to the anchor member 22 to cover screw head 34.” See column 3, lines 53-56.

Hill further teaches “A generally cylindrical void, designated by the reference numeral 51, is formed between the innermost edges 48A of rim 48 and the top interior surface 40A of flange base 40. It will be appreciated that once apparatus 20 is properly installed, at least a substantial volume of screw or fastener head 34 will be disposed within region 51.” See column 4, lines 6-12.

Hill therefore teaches away from the “radially outwardly extending flange at one end of the shank, the flange homogenously joined to the shank and including: a substantially planar first surface; a domed second surface convexly curving outwardly away from the first surface” limitations of Claim 1. If the anchor member 22 of Hill is equated to Applicant’s flange, and it is modified to include a domed surface convexly curving outwardly away from flat round bottom 41 of the anchor member 22, the head 34 of screw 26 will not have a substantial volume disposed within region 51, and head 34 will prevent attachment of cap 24.

Therefore, the suggested modification of Smith and Hill cannot render amended Claim 1 obvious. Because Claim 10 depends from Claim 1, the suggested modification of Smith and Hill cannot render Claim 10 obvious for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of Claim 10.

As noted above, Claim 19 has been amended to recite in part: “the flange including an outwardly facing surface having a convexly curving domed shape”. Therefore, for at least the same reasons as noted above, the suggested modification of

Smith and Hill cannot render amended Claim 19 obvious. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of Claim 19. Because Claim 20 depends from Claim 19, the suggested modification of Smith and Hill cannot render Claim 20 obvious for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of Claim 20.

In addition, the suggested modification of Smith and Hill cannot render amended Claim 20 obvious for at least the following reason. Claim 20 has been amended to recite in part “the cap including a cavity defining an undersurface operable to contact the domed outwardly facing surface of the flange”. Support for this amendment is found in paragraph [0026] of the specification. Neither of the references of Smith and Hill, alone or in combination, teach or suggest the cap including a cavity defining an undersurface operable to contact the domed outwardly facing surface of the flange. The suggested modification of Smith and Hill therefore cannot render Claim 20 obvious. The Examiner is respectfully requested to enter amended Claim 20.

Similar to Claim 20, Claim 21 has been amended to recite in part:

“a cavity defining an undersurface operable to contact the domed first surface of the flange”.

Support for this amendment is found in paragraph [0026] of the specification.

For at least the same reasons as noted above with respect to Claims 19 and 20, the suggested modification of Smith and Hill cannot render Claim 21 obvious. The Examiner is respectfully requested to enter amended Claim 21.

Claims 11, 12, 13, 22 and 23

Claims 11, 12, 13, 22 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith (U.S. Pat. No. 3,309,747) as applied to claims 1, 10 and 21 above, and further in view of Race (U.S. Pat. No. 1,449,779). This rejection is respectfully traversed.

It is initially noted Claim 11 is herein canceled, rendering the 35 U.S.C. § 103(a) rejection of Claim 11 moot.

In addition to the above discussion with respect to Smith, Race does not teach or suggest a domed second surface convexly curving outwardly away from the first surface. Race also does not teach or suggest a cap disposable about the flange in contact with the domed surface and engaged with the outer peripheral surface. The suggested modification of Smith and Race therefore cannot render amended Claim 1 obvious. Because Claims 12 and 13 depend from amended Claim 1, the suggested modification of Smith and Race cannot render Claims 12 or 13 obvious for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of Claims 12 and 13.

Neither of the references of Smith or Race, individually or in combination teach or suggest a cap of a resilient material having a substantially cylindrical outer peripheral wall and a cavity defining an undersurface operable to contact the domed first surface of the flange. The suggested modification of Smith and Race therefore cannot render amended Claim 21 obvious. Because Claims 22 and 23 depend from amended Claim 21, the suggested modification of Smith and Race cannot render Claims 22 or 23

obvious for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of Claims 22 and 23.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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